

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation	)	
	)	
or Suspension of the Educators	)	<b>ORDER OF SUSPENSION</b>
	)	<b>(BREACH OF CONTRACT)</b>
Certificate of Lori Ann Evans	)	
	)	
Certificate # 211968	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on October 7, 2003. On September 3, 2003, the State Department of Education (Department) sent Ms. Lori Ann Evans a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educators certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Evans received the notice, as evidenced by the signed postal receipt. Ms. Evans did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. Evans, the State Board voted to suspend Ms. Evans's certificate for one year.

Ms. Evans holds a valid certificate, and was a second year teacher at Lamar High School in the Darlington County School District (District). On August 6, 2003, Ms. Evans notified the principal of her intention not to return for the 2003-2004 school year, citing the bad health of her mother and the lack of respect from her principal. On August 7, 2003, the District Personnel Director Gayle Sawyer wrote Ms. Evans a letter telling her the Superintendent would recommend to the District Board at its meeting on August 25, 2003, the acceptance of her resignation, "pending the procurement of a qualified, suitable replacement." The letter also clearly stated that Ms. Evans was expected to remain on the job until the District Board voted to release her from her contract. Ms. Sawyer also warned Ms. Evans orally and in writing that her failure to remain

on the job until the District Board released her would be considered as a breach of her contract. On August 8, 2003, Ms. Evans wrote a letter to Ms. Sawyer stating that she did not plan to return to work, and understood there might be consequences. On August 25, 2003, the District Board accepted the Superintendent's recommendation to terminate Ms. Evans's contract for cause. In addition, the District Board voted to file a complaint with the State Board for breach of contract and requested the suspension of Ms. Evans's certificate for one year.

### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. Evans's certificate # 211968 for a period of one year from October 7, 2003, through October 6, 2003, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if she wants her certificate reinstated, Ms. Evans may make a written request for reinstatement to the Office of Teacher Education and Certification of the Department.

South Carolina State Board of Education

By: /S/ Greg Killian

Greg Killian

Chair

Columbia, South Carolina

October 7, 2003